

# REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

## ~ APPEALS ~

Friday, April 16, 2021  
9:00 a.m.  
Commission Chambers  
1915 N. Stiles Ave.  
Oklahoma City, Oklahoma  
[www.wcc.ok.gov](http://www.wcc.ok.gov)

[Interim Guidance on Commission Appellate Proceedings](#)

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### MINUTES

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Members present: Chairman Mark Liotta, Commissioner Jordan Russell, and Commissioner Megan Tilly.

Staff present to support the Commission: Alexander Watkins.

#### **STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE**

Chairman Liotta stated the administrative meeting was being held in compliance with the Open Meetings Act.

**CALL TO ORDER** ..... **Presiding Appellate Officer, Chairman Liotta**

Call to order 9:00 a.m. by Chairman Liotta, Presiding Appellate Officer.

**ROLL CALL** ..... **Presiding Appellate Officer, Chairman Liotta**

After the roll call was taken, Chairman Liotta announced the presence of a Quorum.

#### **A. MINUTES:**

- The drafted Minutes of the Regular Appeals Meeting of March 26, 2021, were considered for approval.

**Motion:** Commissioner Tilly made a motion to approve the Regular Appeals Meeting of March 26, 2021, minutes.

**Second:** Chairman Liotta.

**Those Voting Aye:** Chairman Liotta and Commissioner Tilly.

**THE MOTION CARRIED: MINUTES APPROVED**

**B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges**

**1. Amanda Burton v. Anatolia Restaurant LLC and Traveler's Indemnity Co. of America, File #CM2019-06284Y**

Respondent filed an appeal from the order issued by Administrative Law Judge Blodgett. Ryan Polchinski appeared for the Claimant and Mia C. Rops appeared for the Respondent.

*Motion:* After reviewing the record and deliberating, Commissioner Tilly moved to take this case under advisement.

*Second:* Commissioner Russell.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

**2. Todd Christian v. T & G Construction Inc., Southwest Ready Mix, and Arch Insurance Co., File #CM2018-04011Q**

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Brandon J. Burton appeared for the Claimant and David B. Custar appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Commissioner Tilly

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**3. Renya Rangel-Gonzalez v. Nikita & Neha Hotels LLC and Employers Preferred Insurance Co., File #CM2019-08120F**

Respondent filed an appeal from the order issued by Administrative Law Judge Blodgett. Ryan Polchinski appeared for the Claimant and Kelley Bodell appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take preliminary action to affirm the Administrative Law Judge's Order and instruct Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting.

*Second:* Commissioner Russell.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**4. Robert Tasso v. Lucky Star Casino and Amerind Risk (Tribal Only), File #CM2019-04272H**

Claimant filed an appeal from the order issued by Administrative Law Judge Blodgett. Marshall and Kent Eldridge appeared for the Claimant. Merrill Godfrey and Roger Gasset appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Commissioner Russell.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**5. Carlton Thomas v. Cameron Logistics LLC and United Wisconsin Insurance Co., File #CM2019-05408R**

Respondent filed an appeal from the order issued by Administrative Law Judge Blodgett. Timothy Kent appeared for the Claimant and Blake Farris appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to take this case under advisement.

*Second:* Commissioner Russell.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

**6. Juan Lopez v. Henniges Automotive Oklahoma Inc. and Traveler's Indemnity Co. of America, File #CM2019-00027A**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. J. Kord Hammert is the attorney of record for the Claimant and Connie M. Wolfe is the attorney of record for the Respondent.

**STRICKEN**

7. **Jose Guevara v. Seaboard Foods LLC and Indemnity Insurance Co. of North America, File #CM2020-00416R**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Ryan Polchinski appeared for the Claimant and Jay Chaney appeared for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to take this case under advisement.

*Second:* Commissioner Russell.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

8. **Anthony Harrah v. WCA Waste Corp. and New Hampshire Insurance Co., File #CM2019-04208X**

Respondent filed an appeal from the order issued by Administrative Law Judge Blodgett. Joe Farnan is the attorney of record for the Claimant and Connie M. Wolfe is the attorney of record for the Respondent.

*Motion:* After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

*Second:* Commissioner Russell.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

C. **Commission Consideration of Adoption of Final Orders in the Following Cases:**

1. **Victor Martinez v. Multiple Injury Trust Fund, File #CM2018-02303YMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Marcus Gowens appeared for the Claimant and Jon Derouen appeared for the Respondent.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Russell moved to take preliminary action to affirm the Administrative Law Judge's Order and instruct Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Russell.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

**2. Bernard Debord Jr. v. Action Group Staffing and CompSource Mutual Ins. Co. (FKA COMPSOURCE OKLAHOMA) and Flintco LLC and Arch Insurance Co., File #CM2019-02911A**

Respondent Flintco, and its insurance carrier, Arch Insurance Company, filed an appeal from the order issued by Administrative Law Judge Inhofe. Respondent Action Group Staffing, and its insurance carrier, CompSource Mutual Insurance Company, filed a cross-appeal. David P. Reid appeared for the Claimant. Dana L. Gish appeared for Action Group Staffing and CompSource Mutual Insurance Company. John A. McCaleb appeared for Flintco and Arch Insurance Company.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Russell.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

**3. Quincy Tran v. Boeing Co. and Indemnity Insurance Co. of North America, File #CM2017-05844R**

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Claimant represented himself pro se. Theresa Bullard appeared for the Respondent.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Russell moved to take preliminary action to reverse and remand the Administrative Law Judge's decision as contrary to law and instruct Appellate Counsel or other staff member to draft a proposed order to be considered for continued action at a future meeting.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Russell.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

4. **Vincent Dopler v. NCED Conference Center Marriot and Marriot International Inc. (OWN RISK), File #CM2018-06999K**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Kurt W. Goodwin and Spencer Housley appeared for the Claimant. Jennifer Finley appeared for the Respondent.

This case came on for Oral Argument on December 18, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Russell moved to take preliminary action to reverse and remand the Administrative Law Judge's decision as contrary to law and instruct Appellate Counsel or other staff member to draft a proposed order to be considered for continued action at a future meeting.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Russell.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

5. **Valerie Wilson v. MITF, File #CM2017-00270K**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Alex Forbes is the attorney of record and Richard Cole is the attorney of record for the Respondent.

This case came on for Oral Argument on January 15, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Russell.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

6. **Tanya Reynolds v. Harvest Hills Baptist Church & Christian School, Church Mutual Ins. Co., S.I., File #CM2019-07146L**

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Louis P. Falsetti is the attorney of record for the Claimant and Jeffrey W. Dasovich is the attorney of record for the Respondent.

This case came on for Oral Argument on March 26, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

*Motion:* Commissioner Tilly moved to continue all remaining orders.

*Second:* Commissioner Russell.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED**

**THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND VOTE TO APPROVE, DISAPPROVE, OR TAKE ANY OTHER ACTION CONSISTENT WITH THE COMMISSION'S AUTHORITY.**

**D. Business Meeting Item**

**7. Discussion and Possible Action on proposed MITF Assessment Rate – effective July 1, 2021 through June 30, 2022 –pursuant to 85A O.S. § 31.**

The Multiple Injury Trust Fund (MITF) proposed an assessment rate in the amount of seven percent (7%) should be charged in accordance with 85A O.S. § 31 for the four-quarter period of July 1, 2021 through June 30, 2022.

*Motion:* Commissioner Russell moved to approve the assessment rate of 7% for the four-quarter period of July 1, 2021 through June 30, 2022.

*Second:* Commissioner Tilly.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

*The motion carried.*

**E. Announcements**

The Commission's next dual SGIFB meeting is Wednesday, April 21, 2021, at 1:00 p.m. The Commission's next dual advisory meeting is Friday, May 6, 2021, at 2:00 p.m. The Commission's next regular business meeting is Thursday, May 20, 2021, at 1:30 p.m. The Commission's next regular appeals meeting is Friday, May 21, 2021, at 9:00 a.m.

**ADJOURNMENT**

*Motion:* Commissioner Russell moved to adjourn the meeting at approximately 3:51 p.m.

*Second:* Commissioner Tilly.

*Those Voting Aye:* Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: THE MEETING WAS ADJOURNED.**